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10/587,272	04/24/2007	Mikko Nevalainen	P2516US00	5392
30671 7590 07/06/2010 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314				
EXAMINER				
SHEN, QUN				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

# Office Action Summary

## Application No.

10/587,272

## Applicant(s)

NEVALAINEN ET AL.

## Examiner

QUN SHEN

## Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/14/10 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is a Second Action Final on the merits. Claims 1-10, and 15-23 have been amended, claims 11-14 canceled. Claims 1-10, and 15-24 are currently pending and have been considered below.

#### ***Specification***

Paragraph 24 of specification states "According to a fifth aspect of the invention a computer data signal embodied in a carrier wave and representing a program that instructs a computer to perform the steps of the method of anyone of the preceding method claims. " Necessary correction is required to avoid 35 USC §101 issue.

#### ***Claim Objection***

1. Claims 2-10, 16-23 are objected to because of the following informalities: Claims 2-10 recite "A method according" their respective base claim, Claims 16-23 recite "An apparatus according to" their respective base claim. "A method" and "An apparatus" should be "The method" and "The apparatus" for appropriate antecedent basis with respect to their individual base claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co.**, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

**2. Claims 1-10, and 15-22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,539,476 B1, Marianetti et al. (hereinafter Marianetti) in view of US 6,055,595, Tachibana et al. (hereinafter Tachibana).**

As to claim 1, Marianetti discloses a method comprising:

determining if a status of an interface of a device, for connecting with a removable storage medium has changed (Fig 6, detect device insertion, Fig 9, detect peripheral device (including fresh memory card, see col removal, col 1, lines 42-48);

Marianetti also discloses terminating currently running programs once detecting the memory device being removed (col. 3, lines 2-20).

Marianetti does not expressly disclose comparing one or more programs currently running on said device with one or more programs stored in a directory of essential programs and causing, at least in part, termination of one or more currently running programs not contained in said directory of said essential programs.

Tachibana, however, in the same field of endeavor, teaches acquiring information about the program(s) running and comparing the program(s) with the previously registered and saved programs (Figs 12 and 13, also see claims 5 and 6) and terminating the programs if not essential (Fig 12: B21, B22, B23, Fig 13: C21, C22, C23, col 2, lines 3-7, 26-46, col 10, lines 4-13, lines 59-67, col 11, lines 1-5). Note the program(s) currently running associated with the application or utility programs stored in the registry are essential before the device being removed and are no longer the essential programs due to the removal of the device and are therefore terminated.

Therefore, consider Marianetti and Tachibana together, it would have been obvious to one of skill in the art at the time of invention to modify Marianetti's method by incorporating Tachibana's teachings on comparing and determining the running programs with stored programs and terminating the programs accordingly if the device has been removed as discussed above in order to automatically select, start and/or terminate the application programs for executing the process associated with the PC card in response to insertion/removal of the PC card.

As to claim 2, Marianetti as modified discloses a method according to claim 1, wherein a status change of said interface indicates that a removable storage medium has been connected with said interface (Marianetti: Fig 12:1240, col 14, lines 30-47).

As to claim 3, Marianetti as modified discloses method according to claim 1, wherein a status change of said interface indicates that a removable storage medium has been

disconnected from said interface (Marianetti: Fig 12:1270, col 14, lines 48-55 ).

As to claim 4, Marianetti as modified discloses a method according to claim 3, further comprising: determining which of said one or more programs currently running on said device are independent of data stored on said removable storage medium (Tachibana: Fig 12: B13-B20, Fig 13: C13-C20, new program (increased content information) being independent); and causing, at least in part, insertion of said independent programs to said directory of said essential programs (Tachibana: Fig 12: B18-B20, Fig 13: C18-C20).

As to claim 5, Marianetti as modified discloses a method according to claim 4, wherein said device contains a restart directory (Marianetti: Fig 9, col 8, lines 29-51), and said method further comprising: determining which of said one or more programs not stored in said directory of essential programs are restartable without accessing said removable storage medium (Marianetti: col 8, lines 39-51, also col 11, lines 19-25); and causing, at least in part, insertion of said restartable programs to said restart directory (Marianetti: col 8, lines 39-51).

As to claim 6, Marianetti as modified discloses a method according to claim 5, further comprising: causing, at least in part, restart of one or more programs in said restart directory (Marianetti: Fig 11: 1190, col 11, lines 19 - 30).

As to claim 7, Marianetti as modified discloses a method according to claim 1, further comprising: causing, at least in part, query of said interface to detect if the status of said interface has changed (Marianetti: Fig 4, col 5, lines 6-22, interrupt is a triggering (querying) signal).

As to claim 8, Marianetti as modified discloses a method according to claim 7 and Marianetti as modified method possesses intrinsic capability of causing, at least in part, query a signal repetitively, said every a few seconds (by generate a timer interrupt or interrupt service routine – official notice is taken that it is common practice in the field to check the interface regularly for any status changes).

As to claim 9, Marianetti as modified discloses a method according to claim 7, wherein said causing, at least in part, query is paused when said device is in a power saving state (Marianetti: col 7, lines 15-26, turn off circuitry unused to save power (in a power saving state), when no interrupt signal is produced, querying is paused).

As to claim 10, Marianetti as modified discloses a method according to claim 1, further comprising: receiving a signal to detect if the status of said interface has changed (Marianetti: Fig 4, col 5, lines 6-22, interrupt signal is received to detect the status change).

As to claim 15, claim 15 is an apparatus claim that encompasses and necessitates the method claim 1. Rejection on claim 1 is therefore incorporated herein (see analysis and rejection of claim 1 above).

Claims 16-17 are rejected with the same reason as claims 4 and 5, respectively.

As to claim 18, Marianetti as modified discloses an apparatus according to claim 15, wherein said interface component further comprises a trigger component adapted to generate a signal when the status of said interface component changes (Marianetti: Fig 4, col 5, lines 6-22, interrupt is a triggering signal).

Claims 19 and 20 are rejected the same as claims 2 and 3.

As to claim 21, Marianetti as modified discloses an apparatus according to claim 15, wherein said interface component comprises a status indicator configured to indicate read or write accesses to said removable storage medium (Marianetti: Fig 6, col 5, lines 24-34, read indication, also col 11, lines 48-55).

As to claim 22, Marianetti as modified discloses an apparatus according to claim 15, wherein said apparatus is a mobile phone (Marianetti: col 6, lines 15-19, indicating the device can be a mobile phone).



3. **Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marianetti in view of Tachibana, and further in view of US 2005/0169073 A1, Cook et al. (hereinafter Cook).**

As to claim 23, Marianetti as modified's discloses an apparatus according to claim 15 but does not expressly disclose the apparatus being a gaming console. Cook, however, in the same field of endeavor, teaches that the device can be a gaming console (Cook: pars 0005, 0044). Consider Marianetti as modified's device and Cook's teachings together, it would have been obvious to one of skill in the art at the time of invention to further modify Marianetti as modified's apparatus by incorporating Cook's teachings in game console and application program including games to provide more applications to Marianetti as modified's apparatus.

As to claim 24, claim 24 recites a computer-readable storage medium executed by processor(s) to perform functions and features recited in claim 1 or 15. It is therefore rejected with the same reason set forth in claim 1 or 15.

### ***Response to Argument***

Applicant's arguments filed on April 14, 2010 have been fully considered but they are not persuasive.

Applicant essentially argues that the combined references (Marianetti as modified by Tachibana) do not teach comparing one or more programs currently running on said device with one or more programs stored in a directory of essential programs; and

causing, at least in part, termination of one or more currently running programs not contained in said directory of said essential programs. (page10 of remark).

As indicated in the office action, Tachibana teaches apparatus and method that detects the interface changes when a removable memory device is either removed or inserted as well as performing comparison of the running program(s) with the programs stored in the registry that are associated with the program (Tachibana: Fig 12, col 10, ).

Applicant argues that the programs being compared and terminated are associated with removed memory device (PC card), therefore they are not considered essential programs. However, giving broadest reasonable interpretation of essential programs, examiner would argue that such programs are essential to the operation of the device when the device are in operation, as such application or utility programs are essential to maintain proper operation of the device or programs relied on the contents stored in the device. However, when the PC card is removed, or the new card is inserted, the currently running utility programs associated with old device is no longer essential and therefore being terminated and removed.

### ***Conclusion***

Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUN SHEN whose telephone number is (571)270-7927. The examiner can normally be reached on Monday through Thursday, 9:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis West can be reached on 571-272-7859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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